



Committee on the Review of Supreme Court Rules
Arizona Supreme Court
1501 W. Washington Street
Phoenix, AZ 85007

Re: Petition to Amend Rule 31, Rules of the Supreme Court

Dear Members of the Committee:

Serving as the current president of the Arizona Association of Superior Court Administrators, I am submitting the following comment on behalf of the association and its members which represent fourteen superior courts in the fifteen Arizona Counties. The association has met and discussed at length Rule Petition R-15-0018, which proposes many changes to the rules governing professional conduct and the practice of law. The association wishes to comment on the particular proposed change which would require mediators who are not members of the Arizona State Bar to be certified legal document preparers in order to prepare agreements between parties to be filed with the court.

The current version of Rule 31 allows non-attorney mediators to draft and file with the court a mediated agreement, who are employed, appointed, or referred by a court of government entity and are serving as mediators at the direction of the court or government entity. The Arizona Association of Superior Court Administrators opposes the proposed rule change and would respectfully ask the committee to oppose the proposed change as well. The mediators employed by the Superior Courts throughout Arizona are professional, well-educated, thoroughly trained and experienced mediators that provide immense support to the Superior Courts in Arizona. The use of these individuals as employed or contracted professionals assists many courts, especially high-volume courts like Maricopa County Superior Court, Pima County Superior Court, Pinal County Superior Court, and others in moving thousands of cases along to disposition in a timely and affordable manner. All of the Superior Court Administrators who employ or contract with said professionals believe that the work product provided to the courts is very good.

The Association members believe that as a whole, this group of professionals provide a key service to the public of Arizona at a high standard and workable budget, within which the courts can function. The proposed change to require document preparation certification would bring about multiple negative effects on the function of the court. Namely, there would be an instant shortage of qualified individuals to utilize in the mediation process. Without the required certification, professionals with well-developed mediation skills would be unable to assist the courts without the certification, causing a dearth in qualified mediators. Also, the market price for attorney or certified document preparers would drive the cost up to levels difficult for courts to manage, particularly during a fiscally challenging year. Many of the smaller rural counties would particularly suffer as there is often a lack of attorneys and document preparers in our communities.

Please in your decision process consider the needs of the public who are benefiting from the court-provided mediation, which in most courts is affordable and fairly accessible. The proposed change would alter that and be contrary to the Courts' focus of access to the justice system for all of Arizona's residents.

Respectfully Yours,

A handwritten signature in black ink, appearing to read "Joshua Halversen", with a long horizontal flourish extending to the right.

Joshua Halversen

AASCA President

Graham County Court Administrator